

DD/S 70-2466
OLC - 70-0409

22 JUN 1970

MEMORANDUM FOR: General Counsel
Director of Medical Services
Director of Security
Director of Personnel
Director of Finance
Inspector General
Legislative Counsel

SUBJECT : Possible Implementing Action to S. 782

1. On 8 June 1970 a meeting was held in the Office of the DD/S to consider Agency action necessary to implement the provisions of S. 782 if passed by the Congress in its present form. Those attending were Messrs. Houston, Warner, Osborn, Wattles, Coffey, and the DD/S.

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2. The following actions tied to the sections of S. 782 were agreed upon:

Section 1(a): Inquiries as to citizenship and national origin - OGC to explore a statement that inquiries of this nature are necessary to Agency security.

Section 1(b): That notice will be taken of attendance by employees at meetings, etc. - the Office of General Counsel, Office of Security and Office of Personnel will consider the substance of this section as regards Agency regulations, notices and practices with a view to noting changes that need to be effected in our regulations, procedures and practices, and also to prepare guidance for officers of the Agency vis-a-vis the provisions of this section.

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Section 1(c): Requiring an employee to participate in activities unless such are related to the performance of official duties, etc. - the Office of Personnel to review this section from the standpoint of existing regulatory issuances, the description of official duties and considering also certain overseas duty requirements. Guidance to Agency officers should be developed as regards this section.

Section 1(d): Requiring an employee to report activities, undertakings, etc. - the Offices of General Counsel, Security and Personnel to consider the impact of this section in the same manner as Section 1(b).

Section 1(e): Requiring any employee to submit to any interrogation or examination or take a psychological test, etc. and the exemption as specified in Section 6 of this Bill - the Office of General Counsel to prepare the necessary authorization by the Director of Central Intelligence to the Directors of Medical Services, Security, Personnel and Inspector General to serve as his designees with regard to the questioning or examination conducted relating to this section and Section 6.

Section 1(f): Polygraph examination - exemptions in Section 6 - Office of Security to prepare the necessary guidance for the conduct of polygraph examinations referred to in this section including guidance to examiners as to types of questions that may be asked.

Section 1(g): Require - Personal endeavor or contribution of money to election of any Government official - Office of Personnel to review this section against our regulatory and code of conduct issuances.

Section 1(h): Savings Bonds - Office of Personnel to review against our regulatory issuances, fund drive notices and fund campaign materials and our practices in the bond and fund raising campaign.

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Section 1(i): Employee disclosure of property, income, etc. - Offices of Security, Personnel and Finance to review as against Agency regulations and practices, Covert Tax Committee and Allowance Committee procedures. Suggest any changes in regulations or practices and prepare guidance for employees.

Section 1(j): To require - disclosure of property, income, etc., other than indication of conflict of interest - the Offices of Security, Personnel and Finance to review existing regulatory and Agency notice requirements in this area and the "employee confidential statement of employment and financial interests" to determine whether any conflict exists and to produce guidance for both supervisors and employees.

Section 1(k): To require - any employee - under investigation for misconduct to submit to interrogation which could lead to disciplinary actions without the presence of counsel or other person of his choice -- action to the Office of General Counsel supported by the Offices of Security, Personnel, and Medical Services with a view to establishing guidance for all command line officials, supervisors, etc., who may deal in employee misconduct actions. Supporting regulatory procedures need be established for immediate action should such a case arise. (This section is the one which will give rise to most of the cases developing within the Agency and our procedures must be appropriately spelled out.)

Section 1(l): To discharge, discipline, etc., any employee -- by reason of refusal of employee to submit to any requirements made unlawful by S. 782 -- action to the Office of General Counsel to provide interpretation and guidance as to the applicability of this section. To remain free from any charged discrimination under this section, we may have to assure that all Agency actions pertaining to Personnel disciplinary measures, state the cause of the action in such a way that it does not fall within the provisions of this section.

Section 2: Applies to the Civil Service Commission - no Agency action.

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Section 3: Applies to the Armed Forces - no Agency action.

Section 4: No specific action need be taken on this section at this moment. However, appropriate guidance must be brought to the attention of all Agency command line officials of the implication of this section and the fact that the individual officer, rather than the Agency, is the one who is charged in the action before the U. S. District Court. Procedural guidance can later be developed on the applicability of this section.

Section 5: Board of Employee Rights - nothing to be done on this section at this time. If the Bill passes in its present form we must necessarily wait for the appointment of the Board and the development of its regulatory and procedural processes.

Section 6: CIA exemption re polygraph - psychological test, etc. -- necessary action to this section is covered in review of subsections of Section 1.

Section 7: Employee must first submit a written complaint to the Agency which must act upon the complaint within 120 days before the employee may invoke the provisions of Sections 4 and 5. It will be necessary to establish the procedural method by which complaints will be handled and to designate officials who will have responsibility for primary action under this section. Appropriate Agency regulations would have to be devised to carry out this procedure.

In the course of our discussion it was agreed that there should be a single officer in the Agency who would be responsible for the handling of complaints by employees or applicants arising under S. 782. In the processing of any complaints the designated officer would be able to call upon the Office of General Counsel, Office of Security, Office of Personnel, Office of Medical Services and any other component of the Agency for immediate action to provide reports, statements, etc., pertinent to any complaint. It was proposed that this officer be attached to the Inspector General rather than being located in any of the command line components of the Agency. His position would be analogous to that of the Equal Employment Opportunity Officer who oversees that program from an Agency standpoint and not from a component standpoint.

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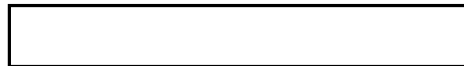
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Section 8: Disclosure of information - DCI authority -
no action at this time necessary concerning this subject.

Section 9: Not applicable to CIA.

Section 10: No action necessary at this time.

Section 11: No action at this time. If the Bill passes in its present form the specific provisions of the Bill which are most difficult from a legal standpoint to interpret will at some time become the subject of a Federal District Court review at which time the constitutionality or legality of that provision will be ruled upon.



R. L. Bannerman
Deputy Director
for Support

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TRANSMITTAL SLIP			24 JUN 1970	
TO: Legislative Counsel				
ROOM NO. 7-D-43		BUILDING Headquarters		
REMARKS: Attached is a summary of the initial reviews to be taken on the subject of S. 782. I will call a meeting at a later date and would appreciate any comments your staff may have on this subject. This is predicated on the possibility that we may not get the exemption we hopefully are seeking. ? <div style="border: 1px solid black; width: 150px; height: 40px; margin: 10px auto;"></div> K. L. Bannerman Jo L L M				
FROM: Deputy Director for Support				
ROOM NO. 7-D-26		BUILDING Headquarters		EXTENSION

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